



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2003-12

July 14, 2003

Barry and Diane Graham  
Notch View Country Inn & RV Resort  
PO Box 114  
Colebrook, NH 03576

RE: DES Wetlands File #2003-00947 Reed Road, Colebrook

Dear Mr. and Ms. Graham:

On May 14, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Colebrook Tax Map R4 as Lot 8 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Siltation/sedimentation was observed in the pond on property owned by Dennis and Michelle Hyde. The sedimentation was a result of the failure to install erosion controls prior to the installation of a water line up gradient of the pond.
2. Approximately 7,500 square feet of wetlands were dredged as a result of excavation for the installation of a water main without a permit from DES.

In response, you are requested to take the following actions:

1. **Immediately** maintain and install erosion controls such as silt fence and hay bales to prevent further siltation into the Hyde pond.
2. By August 15, 2003, submit an after-the-fact Dredge and Fill application through the Town of Colebrook for the impact to wetlands occurring as a result of the water line installation. The Dredge and Fill application shall also include a proposal for restoration activities (*i.e.*, maintenance dredge) to restore the Hyde pond and a construction sequence for the pond restoration.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work

is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Mary Ann Tilton at (603) 271-4061 or by e-mail at [mtilton@des.state.nh.us](mailto:mtilton@des.state.nh.us) or Linda Magoon at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL 7001 1940 0002 4872 1716

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Colebrook Conservation Commission  
Colebrook Board of Selectmen  
John Accardi, DRED  
David Killoy, USACOE